

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

DAVID MORRISSETTE, both individually and as)
parent and next friend of R.M., a minor,)

Plaintiffs,)

v.)

No. 1:16-cv-00055-JL

UNITED STATES OF AMERICA, by and through)
its officers, agents and/or employees; JEANNE M.)
CHAREST, A.R.N.P., individually and as an)
officer, agent and/or employee of COOS COUNTY)
FAMILY HEALTH SERVICES; and COOS)
COUNTY FAMILY HEALTH SERVICES, by and)
through its officers, agents, and/or employees,)

Defendants.)
_____)

UNITED STATES'
MOTION FOR SUMMARY JUDGMENT

Plaintiffs bring this action against the United States under the provisions of the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2401(b), and 2671-2680, alleging negligence in the medical care and treatment provided to him by Coos County Family Health Services. Plaintiffs' claim is solely one for a lost opportunity for a better outcome. Because New Hampshire has barred such claims, the United States is entitled to judgment on its behalf as a matter of law.

In support of this motion, Defendant refers the Court to the exhibits attached to this motion, the memorandum in support of the United States' Motion for Summary Judgment, and to the record of this litigation.

For these reasons, the United States requests that the Court enter summary judgment on its behalf.

Respectfully submitted,

JOHN J. FARLEY
Acting United States Attorney

/s/ T. David Plourde

By: _____
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Dated: July 28, 2017

CERTIFICATE OF SERVICE

I certify that on this 28th day of July, 2017, a copy of the above Motion was served via the ECF system on Cyrus F. Riley, III, Esq., and Michael A. Bottar, Esq., counsel for the plaintiffs.

/s/ T. David Plourde

T. David Plourde, AUSA